

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PATRICK M. CARROLL,

Plaintiff,

v.

NAMECHEAP, INC.,

Defendant.

Case No. 22-Civ.-5684 (LAK)

**UNOPPOSED MOTION FOR LEAVE TO SERVE
SUBPOENA PRIOR TO A RULE 26
CONFERENCE**

Plaintiff, Patrick Carroll (“Mr. Carroll”), by and through counsel Duncan Levin, respectfully submits his Unopposed Motion for Leave to Serve a Subpoena Prior to a Fed. R. Civ. P. 26(f) Conference, stating as follows:

As set forth in Mr. Carroll’s Amended Complaint, he alleges that the Defendant is responsible for hosting and posting the libelous content concerning him on the Website at issue.¹

Mr. Carroll respectfully requests that the Court issue a subpoena directing the Defendant to provide him with the subscriber information (*e.g.*, name and address and other identifying information) associated with the Website. The issuance of a subpoena will identify the original creators of the content at issue. If properly identified, Mr. Carroll will likely further amend his complaint to include those presently unidentified subscribers or choose to resolve this matter in an alternative forum.

¹ All references to “the Website” refer to the URL identified in the unredacted complaint previously filed under seal.

Mr. Carroll's request is for good cause and satisfies the legal standard required to support the issuance of a subpoena prior to a Rule 26(f) conference. *See Arista Records LLC v. Doe*, 604 F.3d 110, 115 (2d Cir. 2010) (identifying five-factor analysis for the issuance of an early subpoena).

On Friday, July 22, 2022, undersigned counsel conferred with counsel for Defendant, who informed that the Defendant does not oppose this motion. Although this motion is unopposed, Mr. Carroll stipulates that the Defendant may move to quash the Court's subpoena if the unidentified subscribers object to their identification.

In light of the foregoing, Mr. Carroll respectfully requests that the Court take note of the above motion and grant his unopposed request for the early issuance of a subpoena directing the Defendant to provide him with the information requested herein.

Dated: July 25, 2022

Respectfully submitted,

/s
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